HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 478 OF 2006

PETITIONER		Naaz Women Primary Consumer Co-operative Society Limited, Having Regn No. 18, Parasbhata / Dondro Tah. Korba Distt. Korba (C.G.) through its President Smt. Laxmin Bai, aged about 43 years, wife of Shri Shantan Das, residence Parsabhata, Tah. And Distt. Korba (C.G.)
	versus	
RESPONDENTS	1.	The State of Chhattisgarh, Through : Secretary, Dept of Food and Civil Supply, D.K.S. Bhawan, Raipur (CG)
	2.	Collector, Distt. Korba (CG)
	3.	The Distt. Food Officer, District Korba (C.G.)
	4.	The Sub Divisional Officer (Rev.) Sub Division Korba, Distt. Korba (C.G.)
	5.	Gram Panchayat Dondro, through Its Secretary, Tah and Distt. Korba (C.G.)
	6.	The Assistant Registrar, Sahkari Samitiyan, Korba, Distt. Korba (C.G.)

Present : Mr. A.N. Bhakta, learned counsel for the petitioner.
Mr. Sanjay S. Agrawal, learned G.A., for the State of CG.

ORAL ORDER
(Passed on 30th January, 2006)

The petitioner – Society is presently holding an authorization to run a fair price shop for the area comprised in Gram Panchayat Dondro. This is reflected in the document dated 31/07/2002. The grievance of the petitioner – Society is that the Sub Divisional Officer (Revenue), Sub Division Korba, the fourth respondent herein, without cancelling the authorization issued to the petitioner – Society, has issued one more

Sd/-
The Chief Justice

authorization in favour of the fifth respondent, namely, Gram Panchayat, Dondro, to run a fair price shop within the same area allotted to the petitioner and this action of the fourth respondent has resulted in prejudice to the petitioner – Society.

(2) Generally speaking, it is the power of the State to run fair price shops to provide essential consumerable goods to the public at large, particularly, weaker segments of the society at fair prices, but, due to the administrative and other conveniences, that privilege has been parted with in favour of the Societies and individuals. Nobody could claim as a matter of right that an area allotted to a particular society or a person for distribution of essential consumerable goods at fair price shops should not be restricted or taken away in public interest. It is for the concerned public authorities to decide on how many fair price shops should be opened within a specified area keeping in mind the public interest and it is not the right of any person who has obtained authorization to run fair prince shops to dictate that no other society should be allowed to run the fair prince shop within the area originally allotted to him. By the impugned action taken by the fourth respondent, none of the legal rights of the petitioner –Society are impaired or violated and therefore, enforcing any of the legal rights of the petitioner would not arise. The writ petition is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
The Chief Justice

Brajesh